(3)
CH Advt

IN THE HIGH COURT OF JUDICATURE AT BILASPUR
(CHHATTISGARH)

W.P. No. 2709 /2003

PETITIONER : MANOJ KUMAR KASHYAP
AGED ABOUT 27 YEARS,
S/o Late Shri SL Kashyap,
Vill. & Post Marghati,
Tahsil Malkaroda,
Dist. Janjgir-Champa

Vs

RESPONDENTS :1) STATE OF C.G.
Through Secretary,
Deptt. of Agriculture,
DK Bhavan,
Raipur.

2) Director,
Deptt. of Agriculture,
Raipur.

3) Dy.Director,
Agriculture,
Dist. Janjgir-Champa
(Chhattisgarh).

P. R. No. 25/5/03
Presented by Shri Manoj Kumar
dated 29.08.03

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PETITION UNDER ARTICLE 226 / 227 OF CONSTITUTION OF INDIA

(34)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP 2709/ सन् 2003

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	05.09.2003 Shri Dhirendra Mishra, counsel for the petitioner. Shri Ranbir Singh, Govt. Adv. for the State / respondent nos. 1 to 3. By this petition under Articles 226 & 227 of Constitution of India, the petitioner has prayed for a direction to the respondents to give the petitioner appointment as Class-III, Lower Division Clerk on compassionate ground. The petitioner's petition is that the petitioner's father Late S.K. Kashyap was Rural Agricultural Extension Officer and was posted at Malda under respondent no.3 in the year 1995 when he died at the age of 52 years. The petitioner is the elder son of the deceased government employee who had passed 12th examination and on account of death of his father all of a sudden the total liability of maintaining the family fell upon the shoulder of the petitioner. With the consent of his mother and other family members the petitioner applied for the compassionate appointment, as the petitioner has no other means of livelihood to feed a family of three sisters, two brothers and mother. Accordingly, he submitted the application to the respondent no.3 who in turn recommended the name of the petitioner to the higher authorities and the application was also forwarded under Annexure P-3. The Divisional Joint Director also forwarded the affidavit of the mother of the petitioner to the Director vide memo dated 24.09.1996 and the Director, Agriculture of the State of Madhya Pradesh vide order dated 05.12.1997 gave permission for	

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आदेश पत्रक

मामला क्रमांक WP 2709 सन् 2007

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

compassionate appointment of the petitioner on the post of Lower Division Clerk and accordingly the petitioner was allocated to the Indore Division for appointment. Alongwith the petitioner permission for seven other persons was also given for compassionate appointment and they were also allocated at various places. Said order is Annexure P-5.

The petitioner in compliance of the above order reported and joined the duties at the office of the Joint Director, Agriculture at Indore but the Joint Director informed the petitioner since there is no vacant post as existing in his division, so at that moment he was not in a position to give appointment and also advised the petitioner to contact the Director (Agriculture) at Bhopal. The petitioner contacted the Director (Agriculture) Bhopal, and the petitioner was informed that he will be shortly appointed on compassionate ground, but nothing was heard on behalf of the respondents.

The petitioner made various applications as reminders for compassionate appointment and ultimately vide order dated 06.10.1999 (Annexure P-6) the Director, Agriculture again accorded the permission for the appointment of the petitioner under the backward class category and a police verification proforma was also handed over to the petitioner and after filling the same the petitioner submitted. Again the office of the Director, Agriculture, assured the petitioner that he will get the appointment as soon as the police verification is completed. The police verification was called for through Annexure P-8.

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP 2709/ सन् 2003.

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	-3-	

On 26.1.2000 the petitioner was again given a proforma with a direction to fill in the same and submit it through the Deputy Director (Agriculture). The petitioner after filling the proforma submitted the same. However, Deputy Director, Agriculture did not accept the newly filled form from the petitioner apprising him that his case for compassionate appointment has already been considered and he has been appointed and therefore, the question of sending new form for the appointment does not arise. In the meantime, erstwhile State of Madhya Pradesh was divided into two States and District Janjgir became part of newly created State of Chhattisgarh w.e.f. 01.11.2000 and even then the petitioner has not been appointed. The petitioner ultimately represented the office of the Chief Minister, State of C.G. and on 31.07.2003 the Chief Minister directed the respondent no.1 & 2 to take decision on the application of the petitioner for compassionate appointment within fifteen days, even then nothing has happened till today.

Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, as the petitioner case was already considered and the petitioner was found eligible for the appointment on compassionate ground which is evident from the order dated 05.12.1997 (Annexure P-5) passed by the Director [Agriculture] Bhopal, and also Annexure P-6 dated 06.10.1999. Even the police verification of the petitioner was got done but for one or the other reason the respondents are not appointing the

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आदेश पत्रक

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विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित —५—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

petitioner inspite of fact that the petitioner is eligible in all respect for the compassionate appointment.

In the above circumstances, the petitioner is allowed to make a representation within a period of ten days giving all details for consideration of the respondent no.2 and respondent no.2 after receipt of the representation from the petitioner within a period of thirty days pass an appropriate reasoned order and take appropriate decision in the matter and communicate the same to the petitioner.

With the above observations and directions, the writ petition stands disposed of. Consequently, M.W.P. No.2481/2003 also stands disposed of.

Certified copy as per Rules.

Sd/-
L.C.BHADOO
Judge

Roshan/-

[पीछे देखिये